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Trade and Development Board
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Intergovernmental Group of Experts on Competition Law and Policy
Fourteenth session
Geneva, 8–10 July 2014
Item 2 of the provisional agenda
Adoption of the agenda and organization of work

Provisional agenda and annotations

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II. Annotations

Item 1
Election of officers

1. The Intergovernmental Group of Experts will elect a Chair and a Vice-Chair-cum-Rapporteur.

Item 2
Adoption of the agenda and organization of work

2. The Intergovernmental Group of Experts may wish to adopt the provisional agenda contained in chapter I above.

3. It is proposed that the first plenary meeting, which will start at 10 a.m. on Tuesday, 8 July 2014, should be devoted to procedural matters (items 1 and 2 of the provisional agenda) and introductory statements. The closing plenary meeting on Thursday, 10 July 2014, will be devoted to the adoption of the report and the provisional agenda of the Seventh Review Conference (item 4 of the provisional agenda). In view of the short duration of the session, the Vice-Chair-cum-Rapporteur will be authorized to complete the final report after closure of the session.

4. The remaining meetings, from 8 July (after the election of officers and the general statements) to the morning of 10 July, can then be devoted to substantive items 3 (a) and 3 (b) of the provisional agenda. If necessary, the adoption of the report may be postponed until the late afternoon of 10 July in order to allow for an informal working session to be held that afternoon.

Item 3 (a)
Consultations and discussions regarding peer reviews on competition law and policy, review of the Model Law on Competition and studies related to the provisions of the Set of Principles and Rules

5. In accordance with paragraph 7 of the agreed conclusions adopted by the Intergovernmental Group of Experts at its thirteenth session (see TD/B/C.I/CLP/25), the Group will consider the following issues at this session:

(a) The benefit of competition policy for consumers;

(b) Communication strategies of competition authorities as a tool for agency effectiveness;

(c) Informal cooperation among competition agencies in specific cases;

(d) Voluntary peer reviews on the competition law and policy of interested countries.

6. To facilitate the round-table discussion on the first three topics and the peer reviews, the secretariat has prepared three reports entitled "The benefit of competition policy for consumers" (TD/B/C.I/CLP/27), "Communication strategies of competition authorities as a tool for agency effectiveness" (TD/B/C.I/CLP/28) and "Informal cooperation among competition agencies in specific cases" (TD/B/C.I/CLP/29).

7. Also, in paragraph 7 of the above-mentioned agreed conclusions, the Intergovernmental Group of Experts decided that UNCTAD should undertake further voluntary peer reviews of the competition law and policy of a member State or regional groupings of States during the fourteenth session of the Intergovernmental Group of Experts. Accordingly, at its fourteenth session, the group will conduct voluntary peer reviews of the competition law and policy of Namibia, the Philippines and Seychelles. The full peer review reports of Namibia (UNCTAD/DITC/CLP/2014/3), the Philippines (UNCTAD/DITC/CLP/2014/2) and Seychelles (UNCTAD/DITC/CLP/2014/1) will be available in English only. To facilitate discussion of these reports, an overview for each report will be made available in all languages (TD/B/C.I/CLP/33, for Namibia; TD/B/C.I/CLP/31, for the Philippines; and TD/B/C.I/CLP/32, for Seychelles).

8. In paragraph 11 of the above-mentioned agreed conclusions, the Intergovernmental Group of Experts requested the secretariat to continue publishing as non-sessional documents and to include in its website further issues of the Handbook on Competition Legislation that contains commentaries on national competition legislation and provides the basis for further revision and updating of the Model Law. The updated version of the handbook will be submitted in the form of the Handbook on Competition Legislation: Consolidated Report 2001–2013 (UNCTAD/DITC/CLP/2014/4, CD-ROM, forthcoming). The Directory of Competition Authorities, of which the extended form is the UNCTAD Guidebook on Competition Systems, is available on the UNCTAD competition website (www.unctad.org/competition/).

9. Experts are invited to make an oral presentation supported by a short written paper on the subjects referred to above. The papers will be made available in the meeting room during the consultations. Should countries wish to hold consultations on other subjects, they are invited to inform the secretariat of the subject by no later than 15 May 2014 to enable all participants to prepare for the consultations.

Item 3 (b)
Work programme, including capacity-building and technical assistance on competition law and policy

10. Under this item, the Intergovernmental Group of Experts is expected to give guidance to the UNCTAD secretariat on further capacity-building work to be undertaken on competition law and policy. To facilitate this exercise, the Intergovernmental Group of Experts will have reviewed the secretariat reports entitled "The benefit of competition policy for consumers" (TD/B/C.I/CLP/27), "Communication strategies of competition authorities as a tool for agency effectiveness" (TD/B/C.I/CLP/28) and "Informal cooperation among competition agencies in specific cases" (TD/B/C.I/CLP/29) and will have heard presentations by experts, international and regional actors, as well as representatives of the private sectors and civil societies. The Intergovernmental Group of Experts will also have before it a report entitled "Review of capacity-building and technical assistance in the area of competition law and policy" (TD/B/C.I/CLP/30). The Intergovernmental Group of Experts is expected to identify practical ways to feed the outcomes of the discussions on the above round-table topics into capacity-building activities for interested competition agencies in developing countries and countries with economies in transition.

Item 4
Provisional agenda for the Seventh Review Conference

11. Acting in its capacity as the preparatory body for the Seventh Conference to Review All Aspects of the Set of Multilaterally Agreed Equitable Principles and Rules for the Control of Restrictive Business Practices, the Intergovernmental Group of Experts is expected to agree on the provisional agenda for the next session of the Conference.

12. It should be noted that the Sixth United Nations Conference to Review the Set in its resolution (see TD/RBP/CONF.7/11) decided that future sessions of the Intergovernmental Group of Experts should include at least four clusters of issues for informal consultations among participants on competition law and policy issues with a special focus on practical cases. The clusters should cover:

(a) Appropriate design and enforcement of competition law and policy;

(b) International cooperation and networking;

(c) Cost-effective complementarity and collaboration in the provision of capacity-building and technical assistance to interested countries;

(d) Consultations on the Model Law.

13. The Sixth United Nations Conference to Review the Set also decided in paragraph 8 of the resolution that the topics contained therein were to be discussed at the Intergovernmental Group of Experts, with the aim of holding an in-depth discussion and reaching consensus on best practices in these areas, which could be of use to young competition agencies.

14. In the period between the Sixth United Nations Conference to Review the Set and July 2014, two ad hoc experts meetings on the interface between competition and consumer welfare, one ad hoc expert meeting on the role of competition in fostering sustainable growth, trade and competitiveness, as well as three sessions of the Intergovernmental Group of Experts on Competition Law and Policy have taken place at UNCTAD. Thus, the Intergovernmental Group of Experts on Competition Law and Policy held round tables on the following clusters of issues:

(a) Appropriate design and enforcement of competition law and policy. The topics under this cluster were (i) competition policy and public procurement; (ii) the benefit of competition policy for consumers; (iii) the impact of cartels on the poor; (iv) the importance of coherence between competition and government policies; (v) foundations of an effective competition agency; (vi) prioritization and resource allocation as a tool for agency effectiveness; (vii) knowledge and human resource management for effective competition law enforcement; and (vii) communication strategies of competition authorities as a tool for agency effectiveness.

(b) Voluntary peer reviews. The countries reviewed were Mongolia, Namibia, Nicaragua, Pakistan, the Philippines, Serbia, Seychelles, Ukraine, the United Republic of Tanzania, Zambia and Zimbabwe. The new peer reviews initiated in 2014 are for Albania, Fiji and Papua New Guinea.

(c) International cooperation and networking. The topics under this cluster were (i) modalities and procedures for international cooperation in competition cases involving more than one country; (ii) cross-border anti-competitive practices: the challenges for developing countries and economies in transition; (iii) review of the experience gained so far in enforcement cooperation, including at the regional level; and (iv) informal cooperation among competition agencies in specific cases.

(d) Cost-effective complementarity and collaboration in the provision of capacity-building and technical assistance to interested countries. The topic under this cluster was the effectiveness of capacity-building extended to young competition agencies.

(e) Consultations on the Model Law. Consultations were held on the revised chapters III, VIII, V, IX, X, XI and XIII of the UNCTAD Model Law on Competition.

15. Delegates are reminded that the thirteenth session of the Intergovernmental Group of Experts held in July 2013 also requested the UNCTAD secretariat, with a view to facilitating consultations during the Conference, to organize round tables including on:

(a) Ways and means to strengthen competition agencies in order to better deliver competition policy enforcement and advocacy;

(b) Feedback from recently peer-reviewed countries with competition agencies on enforcement and changes since the peer reviews.

16. In light of these decisions and the work accomplished thus far by Intergovernmental Group of Experts, including the voluntary peer reviews, delegates may wish to consult on and identify new broad areas of work for consultations during the Seventh Review Conference, including possible amendments to the United Nations Set of Multilaterally Agreed Equitable Principles and Rules for the Control of Restrictive Business Practices.

Item 5
Adoption of the report of the Intergovernmental Group of Experts on Competition Law and Policy

17. The Intergovernmental Group of Experts will adopt its report to the Trade and Development Commission.

Experts are requested to submit papers to the UNCTAD secretariat as soon as possible. For further information, please contact Mr. Graham Mott, Competition Law and Policy Branch, Division on International Trade in Goods and Services, and Commodities, UNCTAD; e-mail: graham.mott@unctad.org; tel.: +41 22 917 4573; fax+41 22 917 0247.

Annex

Draft work programme of the fourteenth session of the Intergovernmental Group of Experts on Competition Law and Policy

8–10 July 2014

Palais des Nations, E-Building, Room XVIII

Tuesday, 8 July 2014	Wednesday, 9 July 2014	Thursday, 10 July 2014
10 a.m.–1 p.m.	10 a.m.–1 p.m.	10 a.m.–1 p.m.
Opening of the meeting:	**Round table**	**Round table**
Address by the Secretary-General of UNCTAD	Informal cooperation among competition agencies in specific cases	Communication strategies of competition authorities as a tool for agency effectiveness
Round table	**Panellists**	**Panellists**
The benefit of competition policy for consumers	**Discussion**	**Discussion**
Panellists	Work programme on capacity-building activities	Preparation for the Seventh United Nations Review Conference
Discussion	UNCTAD's online databank on competition cases	
3 p.m.–6 p.m.	3 p.m.–6 p.m.	3 p.m.–6 p.m.
Voluntary Peer Reviews of Namibia and of Seychelles	Voluntary Peer Review of the Philippines	Agreed conclusions of the Intergovernmental Group of Experts
- Presentation of the country report	- Presentation of the country report	Adoption of the draft agenda for the Seventh Conference to Review All Aspects of the Set of Multilaterally Agreed Equitable Principles and Rules for the Control of Restrictive Business Practices (November 2015)
- Observations by the delegations	- Observations by the delegations	Adoption of the Report of the Intergovernmental Group of Experts
- Questions and answers	- Questions and answers	

Tuesday, 8 July 2014	Wednesday, 9 July 2014	Thursday, 10 July 2014
Session II:	Session II:	
Interactive session on specific issues identified in the peer review report and issues on which the country may seek clarification	Interactive session on specific issues identified in the peer review report and issues on which the country may seek clarification	